

28 78B-6-2103, Utah Code Annotated 1953

29 78B-6-2104, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **78B-6-2100** is enacted to read:

33 **Part 21. Cause of Action for Minors Injured by Pornographic Material**

34 **78B-6-2100. Title.**

35 This part is known as "Cause of Action for Minors Injured by Pornographic Material."

36 Section 2. Section **78B-6-2101** is enacted to read:

37 **78B-6-2101. Definitions.**

38 As used in this part:

39 (1) "Minor" means an individual less than 18 years of age.

40 (2) (a) "Pornographic material" means material with the quality of a description or

41 representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or

42 sadomasochistic abuse when the material:

43 (i) taken as a whole, appeals to the prurient interest in sex of minors;

44 (ii) is patently offensive to prevailing standards in the adult community as a whole with

45 respect to what is suitable material for minors; and

46 (iii) taken as a whole, does not have serious value for minors.

47 (b) Serious value includes only serious literary, artistic, political, or scientific value for

48 minors.

49 Section 3. Section **78B-6-2102** is enacted to read:

50 **78B-6-2102. Exemptions.**

51 (1) This part does not apply to an Internet service provider or interactive computer

52 service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications

53 service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service,

54 or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as

55 defined in 47 U.S.C. Sec. 332(d), ~~§~~ ~~→~~ [or] ~~←~~ ~~§~~ a cable operator as defined in 47 U.S.C. Sec. 522,

55a ~~§~~ ~~→~~ a satellite television provider ~~←~~ ~~§~~ if:

56 (a) the distribution of pornographic material by the provider occurs only incidentally

57 through the provider's function of:

58 (i) transmitting or routing data from one person to another person; or